

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ASSOCIATION OF AMERICAN
RAILROADS,

Plaintiff,

v.

JEHMAL T. HUDSON,

Defendants.

No. 1:23-cv-815-DJN-WEF

**ASSOCIATION OF AMERICAN RAILROADS'
NOTICE OF VOLUNTARY DISMISSAL**

Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), the Association of American Railroads hereby provides notice that this action is voluntarily dismissed without prejudice.

On May 22, 2025, the Virginia Supreme Court issued a decision in *Norfolk Southern Railway Company v. State Corporation Commission*, 915 S.E.2d 305 (Va. 2025), holding Va. Code § 56-16.3 unconstitutional under state law in a substantial number of its applications. And on July 18, 2025, the Fourth Circuit vindicated AAR's associational standing to bring a facial pre-enforcement challenge to Va. Code § 56-16.3 on ICC Termination Act preemption grounds. *See Ass'n of Am. Railroads v. Hudson*, No. 24-1399, ___ F.4th ___, 2025 WL 2011675 (4th Cir. July 18, 2025). No opposing party has filed an answer or moved for summary judgment in this case. Accordingly, AAR hereby dismisses this action without prejudice.

August 11, 2025

Respectfully submitted,

/s/ Gordon D. Todd
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CERTIFICATE OF SERVICE

On August 11, 2025, I caused the foregoing document to be filed with the Clerk of the Court through the CM/ECF system, which will serve notice on all registered counsel.

/s/ *Gordon D. Todd*

Gordon D. Todd (VA Bar No. 45934)